

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO
VIOLATION OF SUPERVISION PROCEEDINGS
MINUTE SHEET

CR No:	19-0077 JB	USA vs.:	Nissen
Date:	3/25/2022	Name of Deft:	Michael Nissen

Before the Honorable James O. Browning

Time In/Out:	3:29 pm – 4:33 m	Total Time in Court (for JS10):	1 Hour, 4 Minutes
Clerk:	L. Rotonda	Court Reporter:	J. Bean
AUSA:	Paul Mysliwiec/Alex Uballez	Defendant's Counsel:	Brian Pori (appointed)
VSR in:	Albuquerque	Interpreter:	n/a
Probation Officer:	John Lovato	Sworn?	Yes No

ADMISSION OR DENIAL OF PETITION'S ALLEGATIONS

x	Defendant sworn
x	Court advises Defendant of his/her rights
x	Court advises Defendant of charges and possible penalty
x	Defendant denies SC, SC
x	Government calls witnesses, presents evidence as to alleged violations
x	Court finds by preponderance of evidence that violations occurred
x	Court proceeds to sentencing on violations

SENTENCE IMPOSED	Imprisonment (BOP): 9 months.		
Supervised Release:	(not reimposed)	Probation:	500-Hour Drug Program

SPECIAL CONDITIONS OF SUPERVISION

No re-entry without legal authorization	Home confinement for	months	days
Comply with ICE laws and regulation	Community service for	months	days
Participate in/successfully complete substance abuse program	Reside halfway house	months	
Participate in/successfully complete mental health program	Register as sex offender		
Refrain from use/possession of alcohol/intoxicants	Participate in sex offender treatment program		
Submit to search of person/property	Possess no sexual material		
No contact with victim(s) and/or co-defendant(s)	No computer with access to online services		
No entering or loitering near victim's residence	No contact with children under 18 years		
Provide financial information	No volunteering where children supervised		
Waive right of confidentiality and allow the treatment provider to release treatment records	Restricted from occupation with access to children		
No new credit charges	No loitering within 100 feet of school yards		
Reside at/complete Residential Reentry Center	Consent to USPO conducting periodic exam of computer		
Attend education/vocational training	Consent to USPO installing monitoring hardware		
Must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning, whether or not intended for human consumption.	No loitering within 100 feet of school yards		
Must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia, as defined in 21 U.S.C. 863(d).	If defendant is unemployed - Must participate in an educational or vocational services program and follow the rules and regulations of that program		
OTHER:			
x Advised of Right to Appeal	Waived Appeal Rights per Plea Agreement		
x Remanded to custody of USM	Voluntary Surrender		
x Recommended place(s) of incarceration:			

OTHER COMMENTS:	Court calls case, counsel enter appearances. Court addresses Defendant, reviews underlying factual allegations related to violations of conditions of supervised release. Defendant addresses Court. USPO confirms that revocation is not mandatory in present matter. Court reviews applicable sentencing parameters. Defense Counsel advises Court as to Defendant's intent as to plea, indicates Court should consider allegations denied. AUSA calls USPO John Lovato (sworn), questions on direct examination. Defense Counsel questions witness on cross examination. AUSA questions witness on redirect. Defense Counsel addresses Court to provide clarification. Court excuses witness. AUSA indicates no further witnesses, argues in support of allegations. Defense Counsel argues in opposition to allegations set forth in petition, addresses Court regarding sentence requested. Defendant addresses the Court. Defense Counsel addresses the Court as to same. AUSA addresses Court regarding requested sentence. Court finds by preponderance of evidence that Defendant violated conditions of supervision. Court states proposed sentence. Defense Counsel addresses Court regarding sentence imposed. Court indicates that providing adequate deterrence was factor emphasized the most, as well as protecting the public. Court orders sentence imposed as stated.
-----------------	--